

CGB-CC-0838

August 27, 2008

Office of the Secretary  
Federal Communications Commission  
Attention : CGB Room 3-B431  
445 12<sup>th</sup> Street SW  
Washington, DC 20554

Received & Inspected

SEP 19 2008

FCC Mail Room

Honorable Commissioner:

**Petition for Exemption from Closed Captioning Requirements – Section 79.1(f)**

**Introduction**

Grace Bible Fellowship of Antioch, Antioch, CA, ("Petitioner") is a Christian-based ministry operating under 501 C-3 status (See Attachment A). The ministry produces a religious production *Amazing Grace* ("Program") that is filmed live and broadcasted locally on the *Word Network* television station. Each episode is produced in a 30-minute Program and its primary content is sermons and bible teachings taped live on Sundays. The Petitioner is respectfully requesting exemption from Section 79.1 of the Commission's rules, implementing Section 713 of the Communications Act of 1934. The rules are threatening the future of the Program due to the overwhelming expense it would take to comply with such rules. (See financial statement - Attachment B)

**Nature and Cost of Closed Captions**

The Program would have to be sent to an outside source for captioning called Custom Captions!. This company provides captioning services. To send the DVD's to Custom Captions! for captioning each week would cost a \$450 for each 30-minute program. This would be a total of \$1800 per month, and \$21,600 annually for Custom Captions to provide our Program's captioning. (See Attachment C).

Another company providing similar services is CPC which would provide captioning services as well as captioning equipment. To send the DVD's to CPC for captioning each week would cost \$525 each week for each 30-minute program. This would be a total of \$2100 per month, and \$25,200 annually for CPC to provide our Program's captioning. (See Attachment D)

Still another company providing similar services at much lower rates; Smart Captioning which would provide captioning services for \$179 per program, plus \$32 for one dub and pay \$17 for shipping and handling. Each week would cost \$228 and \$912 monthly, totaling \$10,944 annually. However, we would have to spend additional money for the transcription \$3 per minute and encoding \$75. They also don't mention the cost for punctuation review, providing a proof of the transcript before the captioning is setup, and DVD costs, all hidden fees to be added on later. (Attachment E)

To provide closed captioning in-house, as mentioned to us by other closed captioned service representatives, it was recommended that the CPC is the best solution to meet our captioning needs. The total price for equipment needed could be a minimum of \$5000 up to \$8000. (See Attachment F)

Further, to administer the captioning ourselves would be another additional cost to purchase such equipment. In addition to the high expense, captioning would also create a delay in the airing of our Program, due to added step of sending the DVD's out sourced for captioning.

Subtitling and open captioning are not viable alternatives for us. If we were to produce our Program using open captions or subtitles, the burden would be the same. Another option considered was to add a sign language interpreter to the screen of the Program, but this not an acceptable alternative, nor are we equipped to that.

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**Impact on the Operation of the Program Owner**

To add closed captioning to the Program, we would either need to pay a captioning agency a substantial monthly fee or purchase expensive equipment that is not in our budget. If the funds were found to purchase equipment, there would still be the need for a trained professional to caption each week. Note: Our media director/producer works a fulltime job and then provides labor for our services up to, but limited to, an added ten hours (unbillable) per week to fulfill obligations at the church. We are not able to find someone with the skills and the time to produce closed captions or subtitles, nor pay them appropriately.

**Financial Resources of the Program Provider**

Since the Petitioner is a 501 C-3 organization the Captioning assistance is not available, we have been told to seek Closed Captioning or to seek exemption to the closed Captioning Requirements in order to continue airing our Program.

**Other Factors**

The Petitioner believes the local non-news exemption to the closed captioning rules also applies to "Amazing Grace" Program broadcast. This Program does not have repeat value, and the electronic newsroom technique is not available. Notwithstanding the applicability of the exemption, we have filed this petition with caution and for the purpose of establishing certainty.

**Type of Operations of the Petitioner**

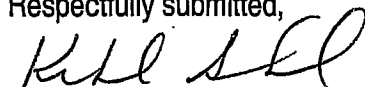
Grace Bible Fellowship of Antioch ("Petitioner") is a Christian church that focuses on a simple knowledge that *"to win the world for Christ, not by what we say but by what we do. To live before God that is worthy of our calling; and not conform to the world's desires as we did when we lived in ignorance. But, just as He who called you is holy, be holy!"* (1 Pet 1:14-5). The church reaches the community through its many ministries on a daily basis. Including but not limited to: *Grace's Closet, My Sister's Keeper, Overcomers, Health & Wholeness, Decision Counseling, Prison Ministry, Grace's Food Pantry and New Way To Fish.* (Attachment G)

These ministries are extremely vital to the church and the surrounding community as they feed the hungry, provide clothing, minister and visit with those who are sick and shut in, and those who are incarcerated; provide love and encouragement and a safe haven to those in need.

**Conclusion**

As shown by the Petition and its attachments the Commission should grant a waiver of the closed captioning requirements in this case, because requiring closed captioning would create an undue burden. The cost of captioning would negatively impact the Petitioner's ministries within its walls and in the community. The Petitioner's operations and financial resources are different in kind and magnitude from a mainstream programming provider. Because of this significant difficulty and expense of providing closed captions, a waiver under 79.1(f) is warranted.

Respectfully submitted,



Pastor Kirkland A. Smith

Grace Bible Fellowship of Antioch  
913 Sunset Drive, Antioch CA  
(925) 522-2018  
gracebf2003@earthlink.net

# AFFIDAVIT

I, Kirkland A. Smith, Pastor of Grace Bible Fellowship of Antioch, Antioch, CA, have reviewed the "Petition for Exemption for Closed Captioning Requirements" and certify that the statements regarding this organization are true and accurate to the best of my knowledge.

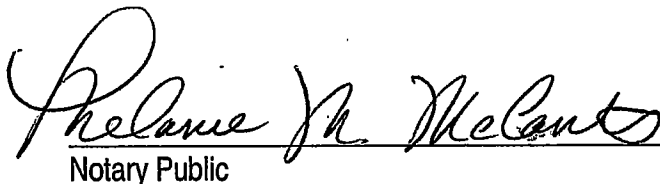
All of the documents that I have submitted to the FCC for the Petition (File No. CGB-CC-0137) are accurate and true to the best of my knowledge.



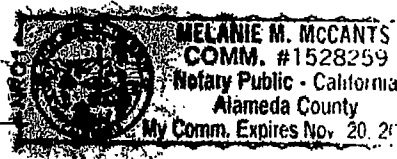
Kirkland A. Smith  
Pastor

Date: 9-9-08

The foregoing was subscribed and sworn to me, a Notary Public, of the State of California, County of Contra Costa this 11<sup>th</sup> day of Sept. 2008.



Notary Public



1:07 PM  
03/19/08  
Accrual Basis

Grace Bible Fellowship of Antioch  
**Balance Sheet**  
As of December 31, 2007

Received & Inspected  
SEP 19 2008  
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	Dec 31, 07
<b>ASSETS</b>	
Current Assets	
Checking/Savings	
CD Bank Of The West	171,995.15
BW Grace King Basketball 8956	1,501.82
BW - 9145	-6,224.50
B/W Money Mkt Advantage131481	11,638.31
B/W Money Mkt Plus131473	16,831.12
WFB Benevolence Fund	14,500.00
Total Checking/Savings	210,241.90
Other Current Assets	
Security Deposits	19,740.00
Misc Cash/Checks	-5,864.89
Petty Cash	4,535.32
Total Other Current Assets	18,410.43
Total Current Assets	228,652.33
Fixed Assets	
Church Autos/Bus/Vans	12,800.00
Furniture & Fixtures	75,731.24
Equipment	86,558.92
Total Fixed Assets	175,090.16
<b>TOTAL ASSETS</b>	<b>403,742.49</b>
<b>LIABILITIES &amp; EQUITY</b>	
Liabilities	
Current Liabilities	
Accounts Payable	
20000 - *Accounts Payable	25,732.76
Total Accounts Payable	25,732.76
Credit Cards	
Home Depot	16,443.18
Bank Of The West - MC - 7830	22,406.06
Total Credit Cards	38,849.24
Other Current Liabilities	
2100 - Payroll Liabilities	-458.12
Total Other Current Liabilities	-458.12
Total Current Liabilities	64,123.88
Long Term Liabilities	
Bank of the West /	122,122.51
Total Long Term Liabilities	122,122.51
Total Liabilities	186,246.39
Equity	
3900 - Retained Earnings	393,478.59
Net Income	-175,982.49
Total Equity	217,496.10
<b>TOTAL LIABILITIES &amp; EQUITY</b>	<b>403,742.49</b>

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03/19/08

Accrual Basis

**Grace Bible Fellowship of Antioch**  
**Profit & Loss**  
**January through December 2007**

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Jan - Dec 07

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Advertising expense	46,676.46
Auto Expense	6,241.96
Church Association Expense	37,433.90
Church Offerings expense	1,331.38
Church Supplies	2,045.83
Classes and Seminars	1,839.53
Office Supplies	14,590.97
Computer expenses	9,618.61
Building expense	199,418.33
Equipment/Furniture	8,596.15
Repairs & Maintenance	15,560.90
Landscape/maintenance expense	905.00
Ministry Expense	41,862.24
Miscellaneous Cost	22,347.17
Postage & Mailings	2,741.99
Printing & Duplicating	1,624.84
Rentals	
Equipment Rent	35,117.20
Real Property	227,868.80
Rentals - Other	1,596.22
<b>Total Rentals</b>	<b>264,582.22</b>
Bank Service Charge & Fees	5,577.51
State license and fees	3,971.00
Telephone Expense	13,762.18
Travel Expense	10,502.33
Utilities	32,152.35
Website/Internet Expense	1,998.56
<b>Total Expense</b>	<b>1,441,466.54</b>
<b>Net Income</b>	<b>-175,982.49</b>

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Accrual Basis

**Grace Bible Fellowship of Antioch**  
**Profit & Loss**  
 January through December 2007

	Jan - Dec 07
<b>Income</b>	
Interest Income	5,125.51
Designated Offerings	105,100.59
Tithe & Offering	1,141,703.12
Other Income	13,554.83
<b>Total Income</b>	<b>1,265,484.05</b>
<b>Expense</b>	
69800 - Uncategorized Expenses	0.00
Security	1,017.61
Outside Services	4,000.00
License & Filing	5,693.93
Evangelism	
Grace Closet	7,266.94
Evangelism - Other	1,460.62
<b>Total Evangelism</b>	<b>8,727.56</b>
Summer Prgr	6,901.14
Sports Prgr	8,070.98
Nursery	1,432.59
Sound & Video Equipment	19,526.94
Interest Expense	7,113.01
Audit	3,212.00
Touch of Grace	805.01
Worship	
Flowers	2,425.00
Women of Grace	4,133.25
<b>Total Worship</b>	<b>6,558.25</b>
<b>Events</b>	
Christian Comedy	8,853.46
<b>Total Events</b>	<b>8,853.46</b>
Conference	1,719.88
4000 - Reconciliation Discrepancies	4,415.46
Supplies	46,388.47
Food	20,798.24
Youth Program	5,190.59
Gas	6,209.55
Gifts	12,911.14
Benevolence	14,052.20
Honorarium	26,210.89
<b>Salary &amp; Wages</b>	
Salary Expense	374,684.67
Payroll Taxes	50,544.54
Payroll Service Expense	
Payroll Garnishments	1,716.00
Payroll EIB Service Expense	2,862.58
<b>Total Payroll Service Expense</b>	<b>4,578.58</b>
<b>Salary &amp; Wages - Other</b>	<b>964.50</b>
<b>Total Salary &amp; Wages</b>	<b>430,772.29</b>
<b>Insurance expense</b>	
Auto	6,330.98
Health	26,722.45
Property	2,825.16
Worker's Comp	9,130.37
Insurance expense - Other	494.98
<b>Total Insurance expense</b>	<b>45,503.94</b>